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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 PAUL ZAPATA, JR.,

9 Plaintiff,

10 v.

11 MICHAEL J. ASTRUE, Commissioner,
12 Social Security Administration,

13 Defendant.

Case No. C08-5670BHS

ORDER ON PLAINTIFF'S
APPLICATION TO PROCEED IN
FORMA PAUPERIS

14 This matter comes before the court on review of the November 18, 2008, Report and
15 Recommendation of Magistrate Judge Karen L. Strombom, who recommended that
16 Plaintiff's application to proceed *in forma pauperis* be denied because petitioner appeared to
17 have the funds to pay the \$350.00 filing fee. Dkt. 3. The court has reviewed the Report and
18 Recommendation and the remainder of the file herein.

19 On November 24, 2008, after the Report and Recommendation had been issued,
20 Plaintiff paid the filing fee. The Report and Recommendation is moot. Therefore,
21 Plaintiff's application to proceed *in forma pauperis* is **DENIED**. Plaintiff's action shall
22 proceed. The case, including all pending motions, is **RE-REFERRED TO UNITED**
23 **STATES MAGISTRATE JUDGE KAREN L. STROMBOM** in accord with the original
24 order of reference.

25 DATED this 15th day of December, 2008.

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28 BENJAMIN H. SETTLE
United States District Judge

ORDER